

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:21-00131

DOUGLAS VINEYARD
SCOTT MEADOWS
CHRISTOPHER LARRY GROSS

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of defendant Christopher Larry Gross ("defendant") for a continuance of trial and all related deadlines. (ECF No. 114.) Defendant asks that trial and the associated deadlines be continued for approximately sixty days. (*Id.*) In support of defendant's motion, counsel for defendant explains that discovery from the government is expected early next week and that additional time is needed to review discovery, consult with his client, and consider filing pretrial motions. The government does not oppose the motion.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of defendants and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the motion to continue. In deciding to grant the motion, the court has considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny

counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:¹

1. The deadline for the filing of pretrial motions is continued to **June 30, 2022**;
2. The Pretrial Motions Hearing is continued to **July 6, 2022, at 3:00 p.m.** in Bluefield;
3. Jury Instructions and Proposed Voir Dire are due by **July 12, 2022**;
4. Trial of this action is continued to **July 19, 2022, at 9:30 a.m.** in Bluefield; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable (as to all defendants) for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

¹ As no motion for severance has been granted, these new dates (and the court's findings regarding excludable time under the Speedy Trial Act) apply to defendant Scott Meadows as well.

IT IS SO ORDERED this 11th day of April, 2022.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge